

**CITY OF SKY VALLEY
COUNCIL WORK SESSION
MARCH 19, 2024 AT 8:30 AM
3608 HWY 246 (CITY HALL) & VIA TELECONFERENCE (ZOOM)
SKY VALLEY, GA 30537**

AGENDA

- 1. Call to Order**
- 2. Adoption of Agenda**
- 3. Discuss changes to the recycle program**
- 4. Discuss proposed amendments to the Trash Ordinance**
- 5. Discuss purchasing of 300 roll out trash cans (purchase is within Mayoral approval)**
- 6. Discuss proposed amendments to the Uniform Rules of the Road Ordinance**
- 7. Adjournment**

**You may join the meeting at:
<https://us02web.zoom.us/j/86918406402>**

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to call 706-746-2204 promptly to allow the City to make reasonable accommodations for those persons.

STATE OF GEORGIA

ORDINANCE NO. _____

COUNTY OF RABUN

Chapter 30 - SOLID WASTE

CITY OF SKY VALLEY, GA

SOLID WASTE ORDINANCE

AN ORDINANCE TO AMEND PREVIOUS SOLID WASTE ORDINANCES, TO DEFINE TERMS AND PHRASES RELATING TO THE COLLECTION AND DISPOSAL OF TRASH, WASTE, RECYCLING AND GARBAGE; TO REGULATE THE RECEPTACLES AND CONTAINERS FOR THE SAME; TO PROVIDE FOR THE MANNER OF PREPARATION OF THE SAME FOR COLLECTION; TO PROVIDE FOR THE MANNER OF COLLECTION OF CONSTRUCTION MATERIAL, TRASH AND GARBAGE FROM COMMERCIAL ESTABLISHMENTS AND PLACES OF RESIDENCE; TO PROHIBIT THE DEPOSIT OF TRASH, DEBRIS OR LITTER UPON VACANT LOTS; TO PROHIBIT BURYING REFUSE, POLLUTING WATERS, OR SPILLING TRASH, GARBAGE AND OTHER DEBRIS UPON CITY STREETS; TO PROVIDE FOR KINDS OF COLLECTION SERVICE TO BE OFFERED, THE DAYS OF COLLECTION AND A SCHEDULE OF CHARGES THEREFOR; TO PROVIDE PENALTIES FOR VIOLATION AND TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

The Council of the City of Sky Valley hereby ordains:

Footnotes:

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State Law reference— Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; local solid waste management plans, O.C.G.A. § 12-6-31.1; litter control, O.C.G.A. § 16-7-40 et seq.

ARTICLE I. - IN GENERAL

Secs. 30-1—30-18. - Reserved.

ARTICLE II. - COLLECTION

Sec. 30-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business trash means every waste accumulation of dust, paper, paper cartons, cardboard cartons, excelsior, rags, or other accumulations, other than garbage or household trash, which are usually attendant to the operation of stores, offices, and similar businesses.

Commercial establishment means any hotel, motel, restaurant, food store, hospital, school, church, business or any nonresidential establishment at which garbage or trash may be generated.

Exposed materials and equipment means any accumulation of materials, including waste building materials, new building materials not associated with ongoing building projects, building materials other than those stored in authorized outdoor storage yards, and similar materials; and any accumulation of used or new equipment, such as refrigerators or other appliances, plumbing fixtures or equipment, generators, small commercial trailers, and similar equipment, stored out of doors and exposed to view from any public street or right-of-way.

Foreign material means construction or building waste, and includes such materials as sand, stone, brick, wood, concrete, metal, plaster, concrete or plaster block, paving, roofing, pipe, shingles, lawn renovating debris, sod, dead sod, tree stumps, discarded furniture, large household appliances such as stoves, refrigerators, air conditioners, washing machines, clothes dryers, water heaters, mattresses and television sets.

Garbage means every waste accumulation of animal or vegetable matter which attends the preparation, use, cooking processing, handling, or storage of meats, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects, or animals.

Household trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans, diapers or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial waste means every waste accumulation of metal, metal products, minerals, chemicals, rocks, concrete, asphalt tar, oil, grease, glass, crockery, rubber tires, bottles, cans, lumber, ashes, sawdust, wastes from animal packing or slaughterhouses, or other materials usually created by commercial enterprises, and industrial plants, but not garbage, household trash, or business trash.

Living unit means any place of abode which is suitable for permanent or transient family or individual residence use. Each such living unit shall be considered as single and separate for the purposes of this article.

Multifamily units means all places of abode other than single-family residences.

Premium Collection Service means garbage collection service where city staff collect garbage at the residence back door, front door, or an agreed upon location within immediate proximity of the residence.

Refuse means solid waste accumulations consisting of garbage, household trash, and business trash.

Single-family residence means any single-family dwelling or living unit, and is interchangeable with the term "household" and includes single-family condominium units.

Standard Collection Service means garbage collection service where city staff collect garbage at the road or curb side.

Tree trimmings means every waste accumulation of tree branches, tree trunks, tree limbs, parts of trees, bushes, or shrubs, Greenleaf cuttings, fruit, or other vegetation.

Yard trash means every waste accumulation of lawn, grass, or shrubbery cuttings or clippings and dry leaf raking's, free of dirt, rocks, large branches, and bulky or noncombustible material.

(Ord. No. 96-25, § 1-1, 12-2-1996)

Sec. 30-20. - Receptacles and containers—Required.

It shall be the duty of every person in possession, charge, or control of any place in or from which business trash, foreign material, garbage, household trash, industrial waste, tree trimmings, and yard trash is created, accumulated, or produced, to provide and at all times to keep in a suitable place readily accessible to the city collection crews or private collection agencies, adequate and suitable receptacles and containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. The owner of any multifamily unit shall furnish or require tenants to furnish proper waste receptacles and containers.

(Ord. No. 96-25, § 1-2, 12-2-1996)

Sec. 30-21. - Receptacles and containers—Specifications.

(a) *General design, maintenance and condition.* All receptacles and containers as required under this article shall be of safe construction and design and shall be maintained in good and serviceable condition. Any receptacles or containers which do not conform to the provisions of this article, or which have ragged or sharp edges or any other defects which are reasonably liable to hamper or injure the person collecting the contents thereof or the public generally shall be promptly replaced upon notice. All refuse containers are to be provided by the customer and are to be maintained by the customer at the customer's expense. ~~except as noted below in subsection (c) of this section.~~

(b) Refuse containers ~~may~~ shall be of the following construction and materials:

~~Option 1: Each single-family residence shall provide two (2) in-ground containers. Containers shall have a capacity of not less than 25 gallons or more than 32 gallons per container. Containers shall be of two-piece construction with a removable inner liner equipped with handles or bails to allow for easy removal and shall be equipped with tight fitting cover or lids and shall be watertight. The City shall not be required to collect the contents of more than two approved containers.~~

~~Option 2: In lieu of Option 1 above, e~~

Each single-family residence shall provide a maximum of two (2) approved refuse containers, no more than two (2) refuse containers which shall be constructed of heavy plastic material- not to exceed sixty- five (65) gallons total. and shall have not more than thirty two (32) gallons. Each container(s) or cans shall be equipped with suitable handles, tight-fitting covers or lids with hand grips and shall be watertight and animal resistant. Said refuse container(s) should be placed for pickup at curbside or within two (2) feet of the paved roadway.

The City shall not be required to collect the contents of more than what can be held within the total sixty-five-gallon (65) container(s) with the top lid(s) or cover(s) fully closed. Customers selecting this option in ground containers shall be required to remove or otherwise make inoperative any existing in-ground containers and the City will not be responsible for removing any trash placed in these in-ground containers.

In-ground containers existing at the adoption of this ordinance shall not be allowed to be used for trash pickup after the effective date of this ordinance. After the effective date, only approved refuse containers as defined within this ordinance shall be allowed.

~~Option 3: In lieu of Options 1 and 2 above an approved refuse container~~, the customer may use heavy weight (not less than 95 mil thickness) plastic trash bags with a capacity of not more than 40 gallons per bag. Bags shall be securely tied and free from holes or tears. Said bags should be placed for pickup at curbside or within two feet of the paved roadway ~~between 7:00 a.m. and 8:30 a.m.~~ on collection days. A maximum of three (3) filled heavy weight plastic trash bags or what would ordinarily fit in a sixty-five (65) gallon trash container shall be collected.

(e) Optional containers for multi-family units:

Each individual unit within a ~~M~~ multi-family units with a capacity of more than two living units shall be allowed up to what is allowed for a single-family residence of this ordinance. As an alternative, a single-master dumpster no larger than eight (8) cubic yards may be utilized for all multi-family units as long as the dumpster is properly secured and screened. ~~required to use Option 1 above or, at the sole discretion of the City, may use containers of not less than two (2)~~

~~or more than eight (8) cubic yard capacity. These containers shall be of the proper dimensions as specified by the city and shall be compatible with the city's collection equipment.~~

These **All** containers **utilized by multi-family units** shall be located so as to be easily accessible by the city's equipment and shall be enclosed within a suitable **opaque** fence or otherwise hidden from view. ~~The city may, at the sole discretion of the city, provide such containers at the city's expense.~~

(Ord. No. 96-25, § 1-3, 12-2-1996; Ord. No. 97-7, § 1, 4-7-1997)

Sec. 30-22. – Pre-collection practices.

- (a) *Dangerous trash items.* All dangerous trash items, and all waste material of an injurious nature, such as broken glass, light bulbs, razor blades, sharp pieces of metal, fluorescent tubes, television tubes, and the like shall be securely wrapped to prevent injury to the collection crews.
- (b) *Yard trash.* The city will not collect yard trash as part of the garbage collection program except as defined by this ordinance and subject to Sec. 30-25 and Sec. 30-30.
- (c) *Tree trimmings.* The city will not collect tree trunks, tree stumps, tree branches, or tree limbs of any size as part of the garbage collection program except as defined by this ordinance and subject to Sec. 30-25 and Sec. 30-30.
- (d) *Foreign material and industrial waste.* The city will not collect foreign material or industrial waste as defined by this chapter, all of which must be properly disposed of by the owner or person, firm, or corporation responsible therefor.

(Ord. No. 96-25, § 1-4, 12-2-1996)

Sec. 30-23. - Accumulation for collection.

All accumulations of refuse and trash shall be contained in plastic bags, **not over filled and of a durable nature so as to not rip or tear** and shall be stored or placed for collection in accordance with the ~~following~~ provisions of this ordinance. **The City reserves the right to not collect refuse or trash from customers whose bags are ripped or torn or whose bags rip or tear during the action of refuse or trash collection by City personnel. Additionally, loose, scattered, or unbagged refuse or trash shall be the responsibility of the tenant or property owner to clean up immediately upon request by the city and to properly secure prior to the City picking up for collection. Furthermore, loose, scattered, or unbagged refuse or trash shall be subject to Sec. 30-36.**

- (1) *Public streets and private property.* No person shall place any accumulations of refuse and trash in any street, alley, or other public place of travel, nor upon any private property except the person's own property, except on the days when it is scheduled to be collected. For customers selecting the standard service option, the placement for collection shall be in the area not more than 20 feet from the street pavement and the approved containers must be easily visible and conspicuous from the street.
- (2) *Blockage of storm drains.* No person shall place any refuse, trash, garbage cans, or trash bags on, upon, or over any storm drain, or so close thereto as to be drawn by the elements into such drain, which would result in or tend to cause a blockage of any part of such storm drainage system.
- (3) *Unauthorized accumulations.* Any unauthorized accumulation of refuse, business trash, foreign material, or industrial waste on any lot, property, premises, public street, alley, or other public place of travel is prohibited. In addition, any unauthorized accumulation of exposed materials and equipment on any commercially zoned property is prohibited. Failure to remove and correct any such unauthorized accumulations of refuse shall be deemed a violation of this article and shall be subject to the penalties described in section 30-36.
- (4) *Waste building materials.* Notwithstanding subsection (3) of this section, waste building materials, defined as foreign material by this article, shall be permitted to be stored for a period of up to 60 days at ongoing building sites under the following conditions:
 - a. No such materials may be located within rights-of-way or on private property other than that of the building site;
 - b. No material which could be moved by the elements, such as paper, rags, cloth, or other fibers, shall be stored at the site for an unreasonable length of time; and
 - c. All waste building materials shall be removed, and property disposed of when a project has been completed.

(Ord. No. 96-25, § 1-5, 12-2-1996)

Sec. 30-24. - Collection practices and services.

- (a) The city shall provide refuse collection service to each business establishment, residence, or living unit within the city's corporate limits which is occupied a part of each fiscal year. If any structure shall have more than one family or business occupying it, the city shall provide such service to each occupant of the structure. Except in the event of inclement weather or other acts of God, each customer shall receive refuse pickup service not less than once a week.
- (b) The schedule for refuse collection and the charges the city shall levy against each customer shall be as determined from time to time by the city council and posted at city hall. ~~Any customer may petition the City for more frequent collection of refuse from his premises and the City may, at the discretion of the City Council, provide such increased-~~

~~services upon such terms as the Council may reasonably require.~~ In the case of new structures, a refuse collection charge shall be levied upon issuance of a certificate of occupancy.

- (c) ~~No above ground~~ **approved trash receptacle(s) or heavy-duty trash bag(s)** shall be placed for collection before 6:00 AM ~~on the day of collection.~~ ~~Above ground receptacles should be placed for collection~~ **nor** later than 8:00 AM on the day of collection to insure collection. All **approved** ~~bove ground~~ receptacles shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on that same day. It shall be unlawful for any person to damage, displace, or otherwise interfere with refuse containers or their contents except the owner or upon permission or at the request of the owner.
- (d) Notwithstanding the foregoing, the city reserves the right to reject the collection of certain specific categories of refuse, in accordance with mandatory state or county solid waste regulations, or in accordance with any recycling program the city may adopt, including materials such as cardboard, aluminum, glass, or plastics. Upon adequate notice to its customers, the city may require such refuse to be separated from other refuse and/or disposed of by the customer.
- (e) The city shall provide standard collection service and premium collection service **as defined by this ordinance**, one of which shall be selected by the customer., ~~for the charges specified, all as described and provided in exhibit A to Ordinance No. 96-25, which is incorporated herein as part hereof.~~ **Premium collection service shall be billed at a higher fee as established by the City of Sky Valley City Council.**

(Ord. No. 96-25, § 1-6, 12-2-1996)

Sec. 30-25. - Special collections.

- (a) Any property owner desiring special bulk collections of tree trimmings and/or yard trash ~~not in closed containers or tied in bundles~~ may request a special collection, which shall be scheduled through the office of the city clerk. If sufficient manpower and equipment is available, city personnel are authorized to make such special collections, provided the person making the request agrees to pay for the labor and equipment used at the rate specified by the city **council clerk**.
- (b) No collection shall be made from vacant lots, nor shall any large rocks, tree trunks, tree stumps, tree limbs, or other heavy objects be collected by the city. No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently completed.
- (c) Material to be collected by special collections shall be placed in neat piles and located so that such refuse can be easily loaded on trucks for disposal.

(Ord. No. 96-25, § 1-7, 12-2-1996)

Sec. 30-26. - Construction material not city's responsibility.

The city shall not be responsible for the collecting or hauling of trash, discarded building material, dirt, rock, plaster, lumber, metal, or other like materials originating from private property preliminary to, during, or subsequent to the construction of new buildings, alterations, or additions to existing buildings of whatsoever type. Such material shall be removed by the owner of the property or by the contractor. No certificate of occupancy shall be issued until such material has been removed by the owner or contractor.

(Ord. No. 96-25, § 1-8, 12-2-1996)

Sec. 30-27. - Collection and disposal by commercial establishments, and private collectors.

- (a) The actual producers of refuse or the owners of the premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse, or private collectors of refuse from within the city or outside of the city who desire to haul over the streets of the city shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being dropped, blown, or spilled.
- (b) The city shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over city streets by outside collectors or individuals as it shall find necessary.

(Ord. No. 96-25, § 1-9, 12-2-1996)

Sec. 30-28. - Commercial establishments.

All commercial establishments shall store their refuse in containers or otherwise secure it so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of securing trash shall include containers, bins, fenced or walled trash storage areas, or dump sites operated by the county.

(Ord. No. 96-25, § 1-10, 12-2-1996)

Sec. 30-29. - Vacant lots.

It shall be unlawful for any person to throw any paper, trash, or debris, scrap building material, or foreign material of any kind upon any vacant or unoccupied lot within the city.

(Ord. No. 96-25, § 1-11, 12-2-1996)

Sec. 30-30. - Yard waste.

- (a) Yard waste shall be considered a special collection as referenced in Sec. 30-25 of this ordinance and is defined as yard trash, debris, leaves, brush, tree limbs, cuttings and trimmings and similar materials.
- (b) Yard waste shall not be collected separately from household as part of the garbage collection program. Property owners or their representatives may request placement and

pickup of yard waste ~~at other times by contacting city hall and making special arrangements with the city clerk for a scheduled pickup of yard waste.~~ Request for special pickup of yard waste shall be accompanied by a city work order and the property owner shall be charged a fee as established by the City of Sky Valley City Council. ~~ordinator on the second and fourth Tuesdays of each month. It shall not be placed for pickup prior to 72 hours before the pickup date.~~ Yard waste shall be placed for pickup within five (5) feet of the roadway.

~~(e) Yard waste from one residence or lot collected by the city without additional charge shall not exceed ten cubic yards, or approximately two standard pickup truck loads per month. Quantities of yard waste exceeding that amount will be picked up for a charge to be set by the city coordinator with approval of the mayor.~~

(cd) Persons, firms or corporations performing tree removal or trimming services shall be responsible for the prompt removal of any yard waste they produce.

(Ord. No. 98-10, §§ 1—4, 10-5-1998)

Sec. 30-31. - Days of collection.

The normal scheduled collection day shall be once per week on Monday. In the event that an official city holiday ~~disrupts trash collection, shall fall on a Monday, trash service shall commence on Tuesday the next business day following the city holiday.~~ ~~or w~~When inclement weather or road conditions- ~~shall prohibit collection on Monday, collection service will occur on the first next day in~~ which weather or road conditions permit.

(Ord. No. 96-25, exh. A, 12-2-1996; Ord. No. 97-7, § 2, 4-7-1997)

Sec. 30-32. - Charges generally.

(a) Each residential account shall be charged a basic monthly collection charge ~~as set by the City of Sky Valley City Council.~~

(b) Garbage shall be in arrears under the same term as in effect for water bills and collection services shall be discontinued at the same time as water service is discontinued and shall not be resumed until the account is paid in full.

(Ord. No. 87-14, 9-8-1987)

Sec. 30-33. - Littering unlawfully ~~& Recycling.~~

It shall be unlawful for any person to ~~allow or~~ throw any paper, trash, garbage, or debris upon any street, alley, park, or other public or private property in the city. It shall further be unlawful for any person to cast or throw, or cause to be cast or thrown, into any of the gutters, drains, or sewers within the city, any garbage, tree or grass cuttings, leaves, or other substance calculated to cause any obstruction or nuisance to the gutters, drains, sewers, ditches, or culverts.

~~Additionally, the City provides trash cans at strategic locations throughout the City such as the mailboxes, pickleball court, Highway 246 Overlook, and waterfall etc. These trash cans are~~

provided as a courtesy for residents and guests to dispose of incidental trash ex. soda containers, junk mail, potato chip bags, etc. and NOT bulk or bagged household or commercial garbage. Anyone disposing of bulk or bagged garbage shall utilize the City compactor located at 102 Knob Drive.

Furthermore, centralized recycle containers are available behind the City Compactor located at 102 Knob Drive. These recycle containers are available to receive recycling material seven (7) days a week from 7AM to 7PM. Each recycling container is conspicuously marked as to what can be deposited and it shall be the responsibility of the person depositing the recycled material to sort accordingly. Both the City trash compactor and recycling containers are under 24/7 video surveillance and any violators of this ordinance shall be prosecuted to the fullest extent of the law.

(Ord. No. 96-25, § 1-12, 12-2-1996)

Sec. 30-34. - Burying refuse; polluting waters.

It is declared to be unlawful for any person to deposit on or to bury in or cause to be deposited on or buried in any public square, street, alley, vacant or unoccupied lot, sidewalk, parkway, or bank of any lake, stream, or waterway, any trash, rubbish, fruit peelings, debris, refuse, garbage, brush, cans, boxes, oil, or vegetable or mineral matter, or to do any act that will pollute or tend to pollute the waters of any lake, stream, or waterway.

(Ord. No. 96-25, § 1-13, 12-2-1996)

Sec. 30-35. - Spilling material on streets.

It shall be unlawful for any person hauling any material whatsoever, whether refuse, trash, fill, rock, sand, concrete, or whatever, to spill such material from the hauling vehicle onto the streets of the city.

(Ord. No. 96-25, § 1-14, 12-2-1996)

Sec. 30-36. - Penalties.

- (a) Any person violating any provision of this article shall be guilty of a misdemeanor.
- (b) The city shall also require that any unauthorized accumulation, as defined by section 30-23(3), be removed within ~~30~~ 10 business days' written notice to the property owner by registered or certified mail, return receipt requested. If such notice cannot be delivered by the postal service, the city may, as an alternative, post a notice at the site of the unauthorized accumulation stating the terms of removal. If such accumulation is not removed within the notice period, then the city is authorized to remove or cause to be removed such accumulation, entering in and upon private property if necessary, and shall assess the property owner the cost of removing the accumulation. A second registered or certified mail notice shall be sent to the property owner, stating that the accumulation has been removed and that the cost shall be paid by the property owner to the city within 30 days of receipt. If that assessment is not paid, then it shall become a lien on such piece of property. Notice of

such lien shall be filed and recorded in the real property lien records of the county, and when so filed and recorded, said lien shall encumber the described real property and may be foreclosed in the same manner as liens for taxes.

- (c) If **approved** ~~above ground~~ receptacles placed for collection are not removed from the street area on the day of collection as required in section 30-24(c), the city is authorized to remove or cause to be removed said containers and replace them on the property of the owner, entering into and upon private property if necessary. A fee in the amount established **by the City of Sky Valley City Council shall in chapter 14** ~~will~~ be levied for each occurrence of said failure and will be billed on the next scheduled billing.
- (d) If trash is placed ~~for collection~~, either unlawfully or negligently, so as to be ~~allowed~~ **it** to be scattered by wind or animals, the city is authorized to remove or cause to be removed such scattered trash, **to include** entering ~~into and~~ upon private property if necessary **to remove**. A fee in the amount established **by the City of Sky Valley City Council in chapter 14** ~~will~~ be levied for each occurrence and will be billed on the next scheduled billing.

(Ord. No. 96-25, § 1-15, 12-2-1996)

Sec. 30-37. – Effective date.

This ordinance shall take effect on April 16, 2024.

Sec. 30-37.- Conflicting Ordinances.

City ordinance 92-15, 94-4, & 92-25 and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 30-38- Severability clause.

Should any word, phrase, sentence, paragraph, or section of this ordinance or the application thereof to any person, individual, business organization, partnership, circumstance be held invalid by a court of competent jurisdiction; such invalidity shall not affect the other provisions of this ordinance.

APPROVED:

HOLLIE STEIL, MAYOR

JIM CURTIS, COUNCILOR

BILL OLIVER, COUNCILOR

TONY ALLRED, COUNCILOR

DAN McAFEE, COUNCILOR

BRUCE TURNER, COUNCILOR

ATTEST:

KAREN FLEMING

CITY CLERK

APPROVED AS TO FORM:

DOUGLAS KIDD

CITY ATTORNEY

First reading and introduction March _____, 2024

Second reading and adoption April _____, 2024

Chapter 38 – UNIFORM RULES OF THE ROAD

CITY OF SKY VALLEY, GA

UNIFORM RULES OF THE ROAD ORDINANCE

AN ORDINANCE TO AMEND **PREVIOUS UNIFORM RULES OF THE ROAD ORDINANCES, TO DEFINE TERMS AND PHRASES RELATING TO THE UNIFORM RULES OF THE ROAD, TRAFFIC SIGNS, SIGNALS, & MARKINGS, SPEED LIMITS, PARKING OF MOTOR HOMES, RECREATIONAL VEHICLES, BOATS, & TRAILERS, THE PERMITTING OF PERSONAL TRANSPORTATION VEHICLES; AND TO PROVIDE PENALTIES FOR VIOLATION AND TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.**

Sec. 38-1. - Uniform rules of the road adopted.

- (a) The provisions of O.C.G.A. § 40-1-1 and O.C.G.A. title 40, ch. 6 (O.C.G.A. § 40-6-1 et seq.) are hereby adopted by reference.
- (b) Any person convicted of a violation of this chapter shall be punished as provided by section 1-8.

State Law reference— Adoption of state rules of the road by reference, O.C.G.A. § 40-6-372 et seq.

Sec. 38-2. - Traffic signs, signals, devices and markings.

The location and existences of all traffic control signs, signals, devices and markings in place on the adoption date of this Code are ratified and confirmed.

Sec. 38-3. - Speed limits.

The following road speed limits are as designated:

- (1) Route 246 as designated by the state department of transportation and as otherwise provided herein.
- (2) County Road known as Kelsey Mtn. Road: 35 miles per hour.
- (3) Sky Valley Way from intersections of Hidden Valley to Tahoe Road: 25 miles per hour.
- (4) Sky Valley Way from intersection Tahoe Road to Overlook Drive: 15 miles per hour.
- (5) All other streets/roads/drives shall have a maximum speed limit of no greater than 25 miles per hour unless otherwise posted.

- (6) State Route 246 from S. Sky Valley city limits M.L. 02.73 to 0.50 Mi. N. of Sky Valley city limits M.L. 03.23 00.50 Mi.: 25 miles per hour.
- (7) State Route 246 from 0.50 Mi. N. of city limits M.L. 03.23 to 0.25 Mi. from city limits at State/Line M.L. 03.54 00.31 Mi.: 35 miles per hour.
- (8) State Route 246 from 0.25 Mi. S. of State/Line M.L. 03.54 to city limits at Ga./NC. State/Line M.L. 03.79 00.25 Mi.: 45 miles per hour.

(Ord. No. 89-13, 11-6-1989; Ord. No. 95-3, att., 3-6-1995)

Sec. 38-4. - Use and parking of motor homes, recreational vehicles, travel trailers, boats and similar items.

The use and parking of motor homes, recreational vehicles, travel trailers, boats and similar items shall not be permitted within the city limits of the city except as follows:

- (1) Any such item may be stored inside the residence, garage, or carport of any home or business as long as the item is entirely enclosed covered and stored out of sight.
- (2) Any such item may be parked at a city residence for no more than 48 hours for the purpose of unloading and loading.

(Ord. No. 94-7, 5-2-1994; Ord. No. 01-09, 9-5-2001)

Secs. 38-5—38-26. - Reserved.

ARTICLE II. - PERSONAL TRANSPORTATION VEHICLES⁽²⁾

Footnotes:

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State Law reference— Personal transportation vehicles, O.C.G.A. § 40-6-330 et seq.

Sec. 38-27. - Findings and intent.

This article is adopted to address the interest of public safety. Personal transportation vehicles are not designed or manufactured to be used on public highways, streets and roads (hereafter "public roads") and the city in no way advocates their operation on the public roads within its jurisdiction. Adoption of this article is not to be relied upon as a determination by the city that operation of personal transportation vehicles on public roads is safe or advisable if done in accordance with this article. By regulating such operation, the city is merely addressing safety issues. All persons who operate or ride in personal transportation vehicles do so with their own judgment and at their own risk, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Notwithstanding any law to the contrary, the city has no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of personal transportation vehicles on roads, sidewalks, recreation paths, rights-of-way or other public property under this article. Any person who operates personal transportation vehicle is responsible for procuring appropriate insurance as may be required by any state law or this article as a condition of operating personal transportation vehicle on the roads of the city.

(Ord. No. 14-05, § 1(1000), 5-27-2014)

Sec. 38-28. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-terrain vehicle means any motorized vehicle designed for off-road use which is equipped with four low-pressure tires, a seat designed to be straddled by the operator and handlebars for steering.

Authorized street means a public roadway of the city that:

- (1) Has a posted speed limit of 25 miles per hour or less;
- (2) Provides for no more than one lane of vehicular traffic per direction;
- (3) Is not designated as part of either the state or federal highway system;
- (4) Has not been designated as an unauthorized street by ordinance or resolution by the city council.

Golf car or *golf cart* means any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. For such a vehicle to be considered a golf car or golf cart, its average speed shall be less than 15 miles per hour on a level road surface with a 0.5 percent grade comprising a straight course composed on a concrete or asphalt surface that is dry and free from loose material or surface contamination with a minimum coefficient of friction of 0.8 between tire and surface.

Gross weight means the weight of a vehicle without load plus the weight of any load thereon.

Implement of husbandry means a vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

Low-speed vehicle or *LSV* means any four-wheeled electric vehicle whose top speed attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles.

Multi-purpose off-highway vehicle means any motorized vehicle having features specifically intended for utility use and having the following characteristics:

- (1) Has the capability to transport persons or cargo or both;
- (2) Operates between 25 miles per hour and 50 miles per hour;
- (3) Has an overall width of 80 inches or less, exclusive of accessories or attachments;
- (4) Is designed to travel on four or more wheels;
- (5) Contains a nonstraddle seat;
- (6) Has a gross vehicle weight rating of less than 4,000 pounds; and
- (7) Has a minimum cargo capacity of 350 pounds.

Personal transportation vehicle or *PTV*.

- (1) The term "personal transportation vehicle" or "PTV" means any motor vehicle having no fewer than three wheels, an unladen weight of 1,300 pounds or less with a maximum level ground speed of less than 20 miles per hour or any motor vehicle with a minimum of four wheels, an unladen weight of 1,375 pounds or less, capable of transporting not more than eight persons with a maximum level ground speed of less than 20 miles per hour.

- (2) The term "personal transportation vehicle" or "PTV" does not include mobility aids, including electric personal assistive mobility devices, power wheelchairs, and scooters, that can be used indoors and outdoors for the express purpose of enabling mobility for a person with a disability.
- (3) The term "personal transportation vehicle" or "PTV" also does not include any all-terrain vehicle or multi-purposed off-highway vehicle.

Public road means the entire width between the boundary lines of every right-of-way or place open to the use of the public for purposes of vehicular travel within the boundaries of the city, including streets and alleys.

Recreation path means a right-of-way adjacent to motor vehicle travel lanes or other portion of public property of a street between the curb lines and the adjacent property lines, or in any other designated public right-of-way or public property designated by signs for shared use by personal transportation vehicles, bicycles, and pedestrians. Such paths may be designated by resolution of the city council.

Sidewalk means that portion of public property of a street between the curb lines and the adjacent property lines, intended for use only by pedestrians.

Unauthorized street means a public roadway of the city that has been designated by the city council by ordinance or resolution as an unauthorized street.

Unladen weight means the weight of a vehicle without load as per the manufacturer's specifications for such vehicle.

Valid motor vehicle driver's license means any current and valid certificate issued by the state, other state of the United States of America, or international agency which permits persons to operate motor vehicles on the public roads of the state.

Vehicle means every motor vehicle, except all-terrain vehicles, motorcycles, motor driven cycles, multipurpose off-highway vehicles, personal transportation vehicles, and low-speed vehicles, designed for carrying ten passengers or less and used for the transportation of persons.

(Ord. No. 14-05, § 1(1100), 5-27-2014)

Sec. 38-29. - Registration/transfer requirements.

Before any personal transportation vehicle may be operated over an authorized street of the city, it shall be registered with and inspected by the city police department. If the personal transportation vehicle is compliant with local and state law, then a decal shall be issued from that department signifying its registration. The registration requirements include the following specifics:

- (1) Only those persons 18 years of age or older may register a personal transportation vehicle;
- (2) The person registering the PTV is the owner of the PTV;
- (3) The decal received from the city police department upon registration shall be attached and displayed upon the PTV so as to be plainly visible;
- (4) The registration application shall be made on a form supplied by the city and shall contain the following information:
 - a. Name and address of owner;
 - b. Model, make, name and identification number;
 - c. Current driver's license number of owner and all authorized drivers; and
 - d. Such other information which the city may require;
- (5) The registration application shall be accompanied by a fee established in chapter 14;
- (6) The registration application shall be accompanied by evidence of personal liability insurance coverage consistent with the minimum requirements of state law for operational motor vehicles;

- (7) The registration shall be effective for a period of ~~one~~ (1) ~~five~~ years, until such time as revoked or the PTV is transferred to a new owner. If the registered owner transfers ownership of the PTV, the registered owner must notify the city police department of the transfer;
- (8) It shall be the owner of the PTV's responsibility to ensure the information on the application remains current and accurate.

(Ord. No. 14-05, § 1(1200), 5-27-2014)

Sec. 38-30. - Revocation.

The registration permit may be revoked if:

- (1) The permit holder no longer has a valid driver's license;
- (2) The owner or driver of a PTV fails to abide by the rules and regulations of this article;
- (3) The owner or driver of a PTV fails to abide by the traffic laws in the use of a PTV on an authorized street.

(Ord. No. 14-05, § 1(1300), 5-27-2014)

Sec. 38-31. - Transfer.

Upon transfer of ownership of the PTV to a person who intends to operate it over the authorized streets of the city, the new owner must register the PTV as outlined hereinabove in section 38-29. Such registration by the new owner must occur within ten days of the transfer of ownership.

(Ord. No. 14-05, § 1(1400), 5-27-2014)

Sec. 38-32. - Operation regulations.

- (a) It shall be unlawful to operate a PTV on any street within the city that is not an authorized street.
- (b) Only those persons who hold a valid motor vehicle driver's license and who are on the approved driver's list provided by the owner to the city police department at the time of registration may drive a PTV on the authorized streets and those areas accessible by the public of the city.
- (c) All drivers of a PTV shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets of the city.
- (d) Every driver of a PTV shall be granted all the rights and shall be subject to all of the rules of the road and duties applicable to the driver of any other vehicle.
- (e) All PTVs are entitled to a full use of a lane of the authorized streets of the city and no motor vehicle shall be driven in such a manner as to deprive any PTV of the full use of a lane.
- (f) The driver of a PTV shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (g) No driver of a PTV shall operate a PTV between lanes of traffic or between adjacent lines of rows of vehicles.
- (h) PTVs shall not be operated two or more abreast in a single lane.
- (i) The driver of a PTV operating on an authorized street may cross a multi-lane road only at a signalized intersection designated for such purpose.

- (j) The driver of a PTV operating on an authorized street may cross a state or federal route only at intersections that have been designated for such purpose and which are constructed as an active grade crossing in accordance with the Manual on Uniform Traffic Control Devices.
- (k) All laws and ordinances relative to alcohol and its use, including open container laws, shall apply to traffic on streets of the city shall also apply to drivers and occupants of PTVs.
- (l) All drivers and passengers must remain seated at all times during the operation of the PTV. No person may sit on the lap of another passenger or the driver.
- (m) Personal transportation vehicles shall not be operated on sidewalks at any time.
- (n) A PTV may be operated over authorized streets only during daylight hours unless such PTV is equipped with functional headlights, taillights and front and back turn signals.
- (o) Personal transportation vehicles may be operated only over those certain residential streets where the speed limit is 25 miles per hour or less.

(Ord. No. 14-05, § 1(1500), 5-27-2014)

Sec. 38-33. - Equipment.

Each PTV shall be equipped with each of the following safety devices:

- (1) Amber strobe light so as to warn approaching travelers to decrease their speed because of the danger of colliding with such vehicle. Such amber strobe light shall be mounted in a manner so as to be visible under normal atmospheric conditions from a distance of 500 feet from the front and rear of such vehicle; and
- (2) A rear-mounted orange warning triangle center mounted no less than three feet and no more than five feet above the ground.

(Ord. No. 14-05, § 1(1600), 5-27-2014)

Sec. 38-34. - Unauthorized streets.

Use of PTVs is prohibited on the following unauthorized streets:

- (1) Any street or highway with a posted speed limit of more than 25 miles per hour.
- (2) Any street or highway that has more than one lane of vehicular traffic per direction.
- (3) Any street or highway designated as part of either the state or federal highway system.
- (4) GA Highway 246.
- (5) Bald Mountain Road.
- (6) NC Highway 106.
- (7) Old Mud Creek Road.

(Ord. No. 14-05, § 1(1700), 5-27-2014)

Sec. 38-35. - Exceptions.

- (a) The provisions of this article and the authority granted by this article shall not apply to PTVs owned by golf courses, country clubs, or other such organized entities which own such PTVs and make them available to or for use by members or the public on a rental or licensed basis, provided that

such PTVs are used only on the premises of such golf courses, country clubs, or other such organized entities and on designated street crossings.

- (b) The provisions of this article do not apply to implements of husbandry, road machinery, road rollers, farm tractors, or three-wheeled motorcycles used only for agricultural purposes.
- (c) The provisions of this article do not apply to low speed vehicles which are allowed on roads as long as they abide by state laws on their use on the roadways.
- (d) Other motorized carts which do not qualify as a legal PTV and are currently being used by the club or timeshares on authorized streets within the city for maintenance purposes shall be allowed if such cart is registered with the city police department within ten days of the effective date of the ordinance from which this article is derived. Upon discontinued use or lapse in registration of such cart, no additional motorized carts shall be approved that do not comply with this article.

(Ord. No. 14-05, § 1(1800), 5-27-2014)

Sec. 38-36. - Liability.

Nothing in this article shall be construed as an assumption of liability by the city for any injuries to persons or property which may result from the operation of a personal transportation vehicle or by the failure of the city to revoke said permit.

(Ord. No. 14-05, § 1(1900), 5-27-2014)

Sec. 38-37. - Penalties.

Any person who violates the terms of this article shall be punished as follows. In addition to whatever violations the driver of the PTV may be subject to pursuant to state law and elsewhere found within this Code and the city Charter, the registered owner of the PTV shall be subject to the following civil penalties:

- (1) For the first offense: A fine of not less than \$50.00; if not timely paid, revocation of the permit.
- (2) For the second offense: A fine of not less than \$100.00; if not timely paid, revocation of the permit.
- (3) For the third offense: The registration for the PTV shall be revoked and the violator shall be punished as provided in section 1-8. In the event the registration is revoked under this section, the PTV cannot thereafter be re-registered by the same owner or any family member for a period of two years.

(Ord. No. 14-05, § 1(2000), 5-27-2014)

Chapter 39 - RESERVED

Chapter 40 - UTILITIES